

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

KELBE C. SMITHERMAN

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CRIMINAL NO. 4:15-CR-108-SDJ-KPJ


**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 3, 2024, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #59) that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with five (5) years of supervised release to follow under the same conditions as those under which he was originally released. Additionally, the Magistrate Judge recommended Defendant be placed at FMC Fort Worth in Fort Worth, Texas, if appropriate.

Having received the Report of the United States Magistrate Judge (Dkt. #59) and having received Defendant's waiver of his right to object to the proposed findings and recommendations of the Magistrate Judge (Dkt. #58), the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Accordingly,

Defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with five (5) years of supervised release to follow under the same conditions as those under which he was originally released. Additionally, the Court recommends Defendant be placed at FMC Fort Worth in Fort Worth, Texas, if appropriate.

So ORDERED and SIGNED this 23rd day of July, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE